

Filed for intro on 02/24/2002
SENATE BILL 622 By
Haynes

HOUSE BILL 1480
By Chumney

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 5, Part 1, relative to permitting discretion in determining appropriate alimony, and add transitional alimony as a type to be considered.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(d), is amended by adding the following language at the beginning of that subsection and redesignating the existing language appropriately:

(1)(A) Spouses have traditionally strengthened the family unit through private arrangements whereby one spouse focuses on nurturing the personal side of the marriage, including the care and nurturing of the children, while the other spouse focuses primarily on building the economic strength of the family unit. This arrangement often results in economic detriment to the spouse who has subordinated such spouse's own personal career for the benefit of the marriage. It is the public policy of this state to encourage and support marriage, and to encourage family arrangements which provide for the rearing of healthy and productive children who can be expected to become healthy and productive citizens of our state.

(1)(B) The general assembly finds that the contributions to the marriage as homemaker or parent are of equal dignity and importance as economic contributions to the marriage. Further, where there is substantial economic detriment suffered for the benefit of the marriage, the general assembly finds that the economically disadvantaged spouse's standard of living after the divorce should be reasonably comparable to the standard of living enjoyed during the marriage or to the post-divorce standard of living expected to be available to the other spouse.

SECTION 2. Tennessee Code Annotated, Section 36-5-101(d)(1), is further amended by deleting the language:

It is the intent of the general assembly that a spouse who is economically disadvantaged, relative to the other spouse, be rehabilitated whenever possible by the granting of an order for payment of rehabilitative, temporary support and maintenance. Where there is such

and substituting therefor the language:

It is the intent of the General Assembly that in cases where the court determines that alimony is to be awarded, there shall be no preference as to the nature of the alimony awarded and the court shall have discretion to determine the appropriate nature and the terms thereof based upon the facts and circumstances of each case and all relevant factors. Where there is

SECTION 3. Tennessee Code Annotated, Section 36-5-101(d)(1), is further amended by deleting the language "is a separate class" and substituting therefor the language "and transitional alimony are separate classes."

SECTION 4. Tennessee Code Annotated, Section 36-5-101(d), is amended by the following item as a new appropriately designated subdivision:

(3) "Transitional alimony" means a sum of money payable by one party to, or on behalf of, the other party for a determinate period of time. Transitional alimony shall be

terminable upon the death of either party. The court may at the time of entry of the order to pay transitional alimony, order that it may terminate upon the occurrence of other conditions such as, but not limited to, the remarriage of the party receiving transitional alimony. The court may not modify transitional alimony. Transitional alimony is awarded when the court finds that rehabilitation is not necessary but that that party needs assistance to adjust to the economic consequences of a divorce, legal separation or order of protection.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.